

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
NOTICE TO BIDDERS**

Sealed proposals will be received at the office of the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, California 93408 until 3:00 P.M. on Thursday, \_\_\_\_\_, 20\_\_\_\_, which bids will then be opened and declared at 3:15 o'clock P.M. on the above mentioned date at a public meeting at 1055 Monterey Street, Room D-120, by the County Clerk, for the following Public Works Project:

**WIDENING OF TEMPLETON ROAD  
FROM BLUEBIRD HILL LANE TO SOUTH EL POMAR  
NEAR TEMPLETON, CA  
CONTRACT NO. 300386  
FEDERAL AID PROJECT NO. HRRRL-5949(111)**

Any bid received at the Office of the Clerk of the Board of Supervisors of the County of San Luis Obispo after 3:00 P.M. on the date specified above shall not be considered, and shall be returned to the bidder unopened.

THIS PROJECT IS SUBJECT TO THE "BUY AMERICA" PROVISIONS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AS AMENDED BY THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991.

**The DBE Contract goal is 4 percent.**

Bids are required for the entire work described herein.

A bound copy of a reduced size set of the Project Plans, the Agreement, the General and Special Provisions, and blank forms suitable for use in bidding on said work may be obtained from the Department of Public Works, Room 207, County Government Center, San Luis Obispo, CA 93408 and may be purchased therefrom for \$ 32.65, (tax included), per bound copy, said purchase cost not to be refunded. No bid will be considered which is not on the forms herein provided. **A full size set of the Project Plans and cross sections, if available, are charged separately at the department's current rates and will be provided only upon request.**

Federal funds are being used on this project, and therefore, the Davis-Bacon Act (40 USC 276a to 276a-7) as supplemented in the Department of Labor regulations (29 CFR Part 5) applies. The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are set forth in the Special Provisions. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the prevailing wage rates determined to be applicable to this contract by the Director of the California Department of Industrial Relations for similar classifications of labor, the Contractor and subcontractors shall pay not less than the higher wage rate.

Pursuant to the provisions of Section 1773 of the California Labor Code, the Board of Supervisors of the County of San Luis Obispo has obtained from the Director of the California Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work for the locality in which the work is to be performed for each needed craft, classification, or type of workman. Copies of said prevailing rate of per diem wages are on file in the Office of the Clerk of the Board of Supervisors and available at the California Department of Industrial Relations' web site address at: [www.dir.ca.gov/DLSR/PWD](http://www.dir.ca.gov/DLSR/PWD).

Bidders are advised that any contractor who is awarded a public works project and intends to use a craft or classification not shown on the general prevailing wage determination may be required to pay the wage rate of that craft or classification most closely related to it as shown in the general determinations effective at the time of the call for bids.

Travel and subsistence payments shall be in accordance with Section 1773.1 of the Labor Code. Wage rates for holiday and overtime work shall be in accordance with Section 1773 of the Labor Code. Attention is directed to the provisions in Sections 1777.5, 1777.6, and 1777.7 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor. Attention is directed to the provisions in Section 1776 of the Labor Code concerning payroll records.

Attention is directed to the provisions in Sections 1810 – 1815 of the Labor Code concerning work hours.

The bidder's attention is directed to the provisions of Section 2-1.02, "Required Listing of Proposed Subcontractors," of the Special Provisions regarding the requirement that proposed subcontractors be listed in the bidder's proposal. A "DESIGNATION OF SUBCONTRACTORS" form for listing subcontractors, as required, is included in the section titled "Bid Proposal and Forms" of the Contract Documents. This form must be completed and submitted with bidder's bid proposal.

The bidder's attention is directed to the provisions of Section 2-1.04A, "DBE Commitment Submittal," of the Special Provisions regarding the requirement that bidders submit the "DBE COMMITMENT" form, included in the section titled "Bid Proposal and Forms" of the Contract Documents. This form must be completed and submitted with bidder's bid proposal.

All bonds and endorsements thereto to be submitted pursuant to this contract shall be written by a company authorized to do surety business in the State of California.

Each bid must be accompanied by a form of bidder's security, namely cash, certified check, cashier's check, or bidder's bond, in the amount of ten percent (10%) of the total of the bid.

All addenda issued before the time in which to submit bids expires shall form a part of the Contract Documents and shall be covered in the bid. Bidders shall acknowledge and confirm receipt of each and every addendum in their bid proposal.

Within five (5) calendar days, not including Saturdays, Sundays, and legal holidays, after receipt of notice that the contract has been awarded, the successful bidder, shall execute a written contract with the County in the form prescribed herein.

At the time of execution of the contract, the successful bidder shall submit the certificates of insurance stipulated in Article 7 of the Agreement, and, in addition thereto, shall furnish a "Performance Bond" in the sum of one hundred percent (100%) of the contract bid to guarantee the performance of the contract, and a "Payment Bond" in the sum of one hundred percent (100%) of the contract bid. The bond forms are included in the section titled "Agreement" of the Contract Documents.

In accordance with San Luis Obispo County Code, Title 8, Health and Sanitation, Chapter 8.12, "Solid Waste Management," a project "Recycling Plan" and "Disposal Report" are required for this contract. The bidder's attention is directed to Sections 4-1.03, "Contract Submittals," and 5-1.25, "Solid Waste Management," of the Special Provisions.

Attention is directed to the provisions of Section 5-1.07, "Measurement and Payment," of the Special Provisions permitting the substitution of equivalent securities for any moneys withheld to ensure performance of this contract. Said Section 5-1.07 is incorporated by reference in this invitation for bid as if fully set forth at length.

The Board of Supervisors reserves the right to reject any or all bids, and to waive discrepancies, irregularities, informalities or any other errors in the bids or bidding, if to do so seems to best serve the public interest. The right of the Board of Supervisors to waive errors applies even if the Contract Documents state that a discrepancy, irregularity, informality or other error makes a bid nonresponsive, so long as the error does not constitute a material error.

The successful bidder must be licensed to perform the work in accordance with the laws of the State of California. Accordingly, the successful bidder shall possess a Class A general engineering contractor's license at the time this contract is awarded. In the alternative, the successful bidder shall possess a specialty contractor's license that permits the successful bidder to perform with his or her own organization contract work amounting to not less than 30% of the original total contract price and to subcontract the remaining work in accordance with Section 5-1.055, "Subcontracting," of the Amendments to the Standard Specifications. Failure of the bidder to be properly and adequately licensed shall constitute a failure to execute the contract and shall result in the forfeiture of the bidder's security.

By order of the Board of Supervisors of the County of San Luis Obispo made this \_ day of \_\_\_\_\_, 20\_\_\_\_.

County Clerk and Ex-officio Clerk  
of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

DB-5

## **BID PROTESTS**

Any bid protest must be submitted in writing to the Department of Public Works, Room 207, County Government Center, 976 Osos Street, San Luis Obispo, CA 93408; Attention: Design Engineer before 5 p.m. of the 7th business day following bid opening.

The initial protest document shall contain a complete statement of the basis for the protest and all evidence and documents supporting the protest available to the protesting party. The protest shall refer to the specific portion of the document which forms the basis for the protest. The protest shall include the name, address and telephone number of the person representing the protesting party. The party filing the protest shall concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest. The County Board of Supervisors will issue a decision on the protest.

The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest and failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including filing a Government Code Claim or legal proceedings.

## **SPECIAL INSTRUCTIONS TO BIDDERS**

All bidder Requests for Information must be submitted no later than 3 days prior to the bid opening date. Requests submitted after said date may not be considered. Bidders should submit Requests for Information to the County during the bid period at the following website:

[http://www.slocounty.ca.gov/PW/Design\\_Division/Projects\\_Out\\_To\\_Bid.htm](http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm)

The bidder's attention is directed to the provisions of Section 2-1.04B, "Good Faith Effort Submittal," of the Special Provisions regarding the requirement that bidder's submit the "DBE INFORMATION - GOOD FAITH EFFORTS" form, included in the section titled "Bid Proposal and Forms" of the Contract Documents.

Attention is directed to Section 4-1.03, "Contract Submittals," of the Special Provisions regarding the time period to submit the listed items upon receipt of the fully executed contract.

Bidders must satisfy themselves by personal examination of the location of the proposed work and by such other means as they prefer as to the actual conditions and requirements of the work, and shall not at any time after submission of the bid dispute, complain, or assert that there was any misunderstanding in regard to the nature or amount of work to be done.

The bidder's attention is directed to paragraph 10-1.01 "Order of Work" of Section 10 "Construction Details" of the Contract Special Provisions regarding the requirement for trees to be removed prior to the start of the nesting bird season (February 15<sup>th</sup> to September 15<sup>th</sup>).

## **DBE COMMITMENT FORM**

**NOTE: PLEASE REFER TO INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM**

LOCAL AGENCY: COUNTY OF SAN LUIS OBISPO LOCATION: near Templeton, CA

PROJECT DESCRIPTION: Widening of Templeton Road from Bluebird Hill Lane to South El Pomar

TOTAL CONTRACT AMOUNT: \$ \_\_\_\_\_

BID DATE: \_\_\_\_\_

BIDDER'S NAME: \_\_\_\_\_

CONTRACT DBE GOAL: 4%

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED (or contracted if the bidder is a DBE)	DBE CERT NO. AND EXPIRATION DATE	NAME OF EACH DBE (Must be certified on the date bids are opened - include DBE address and phone number)	DOLLAR AMOUNT DBE

### **For Local Agency to Complete:**

Local Agency Contract Number: 300386  
Federal-aid Project Number: HRRRL-5949(111)

Federal Share: \_\_\_\_\_

Contract Award Date: \_\_\_\_\_

Local Agency certifies that all DBE certifications have been verified and  
information is complete and accurate.

\_\_\_\_\_  
Print Name  
Local Agency Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(Area Code) Telephone Number: \_\_\_\_\_

Total Claimed DBE  
Participation

\$ \_\_\_\_\_  
\_\_\_\_\_%

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Date (Area Code) Tel. No.

\_\_\_\_\_  
Person to Contact (Please Type or Print)

Local Agency Bidder DBE Commitment (Construction Contracts)  
(Rev 6/26/09)

Distribution: (1) Original - Local agency files

**RETURN THIS FORM WITH YOUR BID PROPOSAL**

DB-14

Contract No. 300386

**DBE INFORMATION - GOOD FAITH EFFORTS**

Federal-aid Project No.: HRRRL-5949(111)

Bid Opening Date: \_\_\_\_\_

Bidder's Name: \_\_\_\_\_

The County of San Luis Obispo established a Disadvantaged Business Enterprise (DBE) goal of 4% for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest, and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the "DBE COMMITMENT" form indicates the bidder has met the DBE goal. This will protect the bidder's eligibility for award of the contract if the County determines the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Submittal of only the "DBE COMMITMENT" for may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in Section 2-1.04B, "Good Faith Effort Submittal," of the Special Provisions:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement
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- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of DBE search results, solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	DBE Certification Number	Method and Date of Initial Solicitation	Follow Up Methods and Dates	Results of Follow Up
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- C. The items of work which the bidder made available to DBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract

- D. The names, addresses, and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Item of Work	Name, address, and phone number of rejected DBE	Reason for rejection of DBE	Name, address, and phone number of selected firm	Price difference between DBE and selected firm

- E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

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- F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

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- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results

- H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

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By: \_\_\_\_\_  
(Bidder's Signature/Printed Name and Title/Company Name)

**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

2. A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
3. A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

2-1.04 DISADVANTAGED BUSINESS ENTERPRISE (DBE)

This contract is subject to Title 49 Code of Federal Regulations Part 26 (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." The Regulations in their entirety are incorporated herein by this reference.

Under 49 CFR 26.13(b):

The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of contracts financed in whole or in part with Federal funds. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the County deems appropriate.

Consistent with 49 Code of Federal Regulations (CFR) Part 26.11, data provided by the bidders on the "BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)" will provide the County as accurate data as possible about the DBE and non-DBE firms actively seeking work on its public works contracts, for use in setting overall DBE goals. Bidders shall submit the "BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)" forms with their bid.

Bidders shall take necessary and reasonable steps to ensure that DBEs have an opportunity to participate in this contract.

To ensure there is equal participation of the DBE groups specified in 49 CFR 26.5, the County specifies a goal for Disadvantaged Business Enterprises (DBEs). A DBE is a firm meeting the definition of a DBE as specified in 49 CFR 26.

It is the bidder's responsibility to make enough work available to DBEs and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers.

**Bidders shall meet the DBE Goal shown in the Notice to Bidders or demonstrate that, prior to bidding, Good Faith Efforts were made to meet the goal.**

It is the bidder's responsibility to verify that the DBE firm is certified as DBE at the date of bid opening. Listings of DBEs certified by the California Unified Certification Program (CUCP) are available at:

[http://www.dot.ca.gov/hq/beq/find\\_certified.htm](http://www.dot.ca.gov/hq/beq/find_certified.htm)

All DBE participation will count towards the County's Annual Anticipated DBE Participation Level and the California Department of Transportation's federally mandated statewide overall DBE goal.

Credit for materials or supplies purchased from DBEs will count towards the DBE goal in the following manner:

1. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will count toward the DBE goal.
2. If the materials or supplies are purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies will count toward the DBE goal.
3. If the DBE is neither a manufacturer nor a regular dealer, only the entire amount of fees, commissions, and charges for assistance in the procurement and delivery of the materials or supplies will count toward the DBE goal. 49 CFR 26.55 defines "manufacturer" and "regular dealer".

Credit for employing a DBE trucking company will count towards the DBE goal if the DBE trucking company performs a commercially useful function as defined in 49 CFR 26.55.

#### 2-1.04A DBE COMMITMENT SUBMITTAL

**Bidders shall submit DBE information on the "DBE COMMITMENT" form included in the section titled "Bid Proposal and Forms" of the Contract Documents with the bid proposal.** This form shall be completely filled out, signed by the bidder, and submitted with the bid proposal.

Bidders are encouraged to submit written confirmation for each DBE listed on said form that is participating in the contract work with the bid proposal. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract. **If said written confirmation is not submitted with the bid, the apparent low bidder, second low bidder, and the third low bidder, must complete and submit this confirmation to the office of the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408, no later than 4:00 p.m. on the second business day after bid opening.** Failure to submit said confirmation within said time period shall be grounds for forfeiture

of the bidder's security. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract.

Other bidders do not need to submit the written confirmation unless the County requests it. If the County requests a bidder to submit this confirmation, the bidder shall submit said confirmations no later than 4:00 p.m. on the third business day following the request.

A DBE subcontractor listed on the "DBE COMMITMENT" form shall also be listed on the "DESIGNATION OF SUBCONTRACTORS" form when the bidder proposes to subcontract portions of the work in an amount in excess of 1/2 of one percent of the total bid, or in the case of bids for the construction of streets and highways, including bridges, in excess of 1/2 of the one percent or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act commencing with Section 4100 of the Public Contract Code.

#### 2-1.04B GOOD FAITH EFFORT SUBMITTAL

Bidders are encouraged to submit the "DBE INFORMATION – GOOD FAITH EFFORTS" form and supporting documentation (hereafter, collectively "GFE documentation") with the bid proposal to establish that, before the bid, the bidder made adequate Good Faith Efforts (GFE) to meet the goal.

**If the GFE documentation is not submitted with the bid, the apparent low bidder, second low bidder, and the third low bidder, must complete and submit this documentation to the County. The GFE documentation must be received by the County no later than 4:00 p.m. on the second business day after bid opening.** Failure to submit said form and the relevant supporting documentation within said time period shall be grounds for forfeiture of the bidder's security. GFE documentation shall be submitted to the office of the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, California 93408.

Other bidders do not need to submit the GFE documentation unless the County requests it. If the County requests a bidder to submit their GFE documentation, the bidder shall submit said documentation no later than 4:00 p.m. on the third business day following the request.

Bidders are cautioned that even though their "DBE COMMITMENT" form indicates they will meet the DBE goal, they are required to submit their GFE documentation, within the time specified herein, to be considered a responsive bidder in the event the County finds the DBE goal has not been met.

The GFE documentation must include the following information and supporting documents, as necessary:

1. Items of work the bidder has made available to DBE firms. Identify those items of work the bidder might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is the bidder's responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
2. The names of certified DBEs and the dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. Bidders are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
3. For each item of work made available, the DBEs that provided quotes, the selected firm and its status as a DBE, the price quote for each firm, and the name, address, and telephone number for each firm. If the firm selected for the item is not a DBE, provide the reasons for the selection.
4. The names and dates of each publication in which a request for DBE participation for the project was placed by the bidder. Attach copies of the published advertisements.
5. The names of agencies and the dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacting in writing, provide copies of supporting documents.
6. Descriptions of the efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If the bidder has provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.

7. Descriptions of efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials (excluding supplies and equipment which the DBE subcontractor purchases or leases from the prime contractor or its affiliate). If such assistance was provided by the bidder, identify the name of the DBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.
8. Any additional data to support a demonstration of GFE.

The County may consider DBE commitments of the 2<sup>nd</sup> and 3<sup>rd</sup> bidders when determining whether the low bidder made good faith efforts to meet the goal.